IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 20757 of 2002

Between:

P. Seshagiri Rao, S/o.Anajaneyulu,

A/35 years, R/o.Viswanadhapuram, Podili, Prakasam District

. . PETITIONER

AND

The Regional Manager, Andhra Pradesh

State Road Transport Corporation, Prakasam Region,

Ongole

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction particularly one in the nature of Mandamus, declaring the proceedings L1/875(47) 99-RE(O) dated 3.3.2001 of the respondent herein rejecting the claim of the petitioner for regularization of appointment as arbitrary and illegal and consequently direct the respondent herein to regularize his services with effect from his initial date of appointment.

Counsel for the Petitioner: MR.V.V.L.N.SARMA

Counsel for the Respondent: MR.DEEPAK BHATTACHARJEE

The Court made the following :

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ORAL ORDER:

The petitioner has filed this writ petition questioning the proceedings No.L1/876(47)99-RM(O), dated 3.3.2001 of the respondent.

The impugned order, dated 3.3.2001 of the respondent clearly shows that based on the position of vacancies and after fulfilling the other conditions i.e. completion of 240 working days and panel seniority, regularization of the services of certain employees is done in consonance with the spirit of the judgment delivered in W.A.No.1108 of 1997, dated 10.2.1998 and the regularization done by the management is in order.

It is stated that the case of the petitioner has not been considered for regularization of his services from the date of his initial appointment on the ground that the management has regularized the services after completion of 240 working days and availability of regular vacancies only. It is further stated that the petitioner was appointed on 18.4.1989 and completed 240 working days by 25.12.1989, but his services were regularized with effect from 1.9.1993. It is the case of the petitioner that he is entitled to regularization of services either from the date of his initial appointment or at least after completion of 240 working days.

The learned standing counsel appearing for the respondent submits that the Division Bench of this Court delivered a judgment, dated 10.2.1998 in W.P.No.1108 of 1997, basing on which, the impugned order is passed.

The learned counsel for the petitioner has relied on a decision reported in the case of **DIVISIONAL MANAGER, APSRTC AND OTHERS Vs. P.LAKSHMOJI RAO** wherein, the Division Bench of the Apex Court held as follows:

> *"In view of this peculiar situation and in order to avoid the anomalies that might otherwise ensue, while we hold that the respondent-employees have failed to establish their legal right to get the status of regular employees right from the date of their*

initial appointment on daily wage basis and the respective dates of regularization assigned to the respondents cannot be legally faulted, we are inclined to mould the relief in modification of the directions given in the judgments under appeal and direct as follows:

If any of the Conductors, junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are seniors to them, shall be given the same benefit on the same principle."

Having regard to the facts and circumstances of the case, this writ petition is disposed of directing that if any of the Conductors junior to the petitioner in the relevant seniority list of the concerned division/region have got the benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the petitioner, who is senior to them shall be given the same benefit on the same principle. No costs.

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(V.ESWARAIAH,J.)

30th August, 2004.

Bcj/dsk

To

1. The Regional Manager, Andhra Pradesh

State Road Transport Corporation, Prakasam Region,

Ongole

2. Two C.D. copies

Note: Furnish Copy in one week.

B/o.

bcj